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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,041	12/20/2001	James J. Conroy	CONROY	1821

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EXAMINER

ARK, DARREN W

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,041

Applicant(s)

CONROY, JAMES J.

Examiner

Darren W. Ark

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 3-6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 December 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 3-6 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

Drawings

2. The drawings are objected to because Fig. 2B does not clearly represent the different views of Fig. 1A. Fig. 2A does not accurately represent Fig. 1B in a side view since the indentations in Fig. 1B are located at the corners of the base. Fig. 2B does not accurately represent Fig. 1A in a side view since the indentation does not extend parallel to the longitudinal axis of the base (instead it appears crooked as of the proposed drawing correction filed 12/31/02). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 12/31/02 have been acknowledged by the Examiner but not approved due to the informality with regard to Fig. 2B stated above. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

Page 5, first three paragraphs, Fig. 2A does not appear to show the side view of Fig. 1B since the indentations occur at the corners of the base and Fig. 2B does not appear to show the side view of Fig. 1A since the indentation, which should extend parallel to the longitudinal axis of the base, instead appears to be crooked relative to the axis of the base. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 7, the term "said at least one crevasse" lacks antecedent basis.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1, 7, 9-11, 13, 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jensen 5,873,193.

Jensen discloses a base (23) having an entirely continuous exterior surface; a plurality of elongated completely exposed indentations (spaces between 29; see Figs. 3, 4) extending along the surface of the base; a plurality of protrusions including at least one protrusion extending in a vertical manner (29 extends vertically) and at least one protrusion extending in a horizontal manner (29 also extends in a horizontal direction since it is 3-dimensional).

In regard to claim 14, the Jensen base is considered to be entirely (23 not including 1, 3, 5, 15, 25, or 27).

9. Claims 1, 2, 7, 9-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Greenway 1,471,954.

Greenway discloses a base (10) with an entirely continuous surface (top surface of 10); at least one elongated exposed indentation extending along the base (14, also seams shown in Fig. 3, also locations where base 11 meets body of 10 as shown in Fig. 2 are indentations [also see Fig. 4 showing where indentations are located in the sheet metal blank for the poison holder; these indentations have longitudinally extending components]); a plurality of protrusions (12, point of 11, 13).

In regard to claims 12 and 13, Greenway discloses the elongated base having rounded ends (the cross-sectional shape at the ends is round), completely exposed indentations (14, seams, and indentations at base of 11 are completely exposed).

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10. Claims 1, 2, 7, 9, 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kristman 1,922,702.

Kristman discloses a base (A, B) with an entirely continuous exterior surface (B); at least one elongated completely uncovered and completely exposed (the indentations are completely uncovered and exposed below the cover B) indentation (portion of A exposed for access by 3 OR corrugations of 3 which extend along the axis of the device); a plurality of protrusions (3 have components which extend both in vertical and horizontal directions [they are 3-dimensional]).

In regard to claim 12, Kristman discloses the base having rounded ends (rounded cross-section at the upper and lower ends)

11. Claims 1, 7, 9, 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Davis 1,744,022.

Davis discloses a base (2) with an entirely continuous exterior surface (top of 4); at least one elongated exposed indentation (indentation presented around the top edge of 2 between 2 & 8---see Fig. 4 for further detail or the indentation formed between 4 & 6 in Fig. 5); a plurality of protrusions (14).

12. Claims 1, 2, 7, 9-11, 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Grant 2,574,314.

Grant discloses a base having an entirely continuous exterior surface (7) and rounded ends (raised portions 22 & depressions 23 form rounded surfaces/portions); a plurality of indentations (23); a plurality of protrusions (22, 6).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4195 for regular communications and (703) 306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA
June 16, 2003